

### **REMARKS**

This response is intended to be fully responsive to the office action ("office action") having a mailing date of June 28, 2007, wherein claims 1 and 13-21 were rejected. Independent claims 1 and 13 have been amended as discussed below. No claims have been cancelled.

For the reasons stated below, Applicants believe that the claims, as amended, clearly comply with 35 U.S.C. § 112. Further, Applicants believe that many, if not all, of the dependent claims recite separately patentable subject matter, and therefore, Applicants reserve the right to address dependent claims not specifically addressed herein in subsequent papers.

Applicants also maintain that the present application claims priority from co-pending U.S. Application No. 09/429,458, which in turn is a continuation of U.S. Application No. 08/619,934, filed on March 18, 1996, and not a continuation-in-part, as alleged by the Examiner.

Applicants thank the Examiner for accepting the terminal disclaimer filed on March 7, 2007.

### **Priority**

Applicants respectfully disagree with the Examiner regarding the priority of the present application. Specifically, Applicants maintain that the present application is a continuation, and not a continuation-in-part.

After careful review, Applicants note that the present disclosure is identical to the disclosure of Application No. 09/429,458, which fully supports independent claims 1 and 13 as presently amended. Applicants specifically point to column 7, lines 39-57 of U.S. Patent No. 6,795,402 to support the claim amendments. Therefore, the present application neither discloses nor claims subject matter that was not presented in the prior application.

Applicants respectfully invite the Examiner to specifically point out the claimed subject matter that is allegedly not disclosed in the parent application, namely Application No. 09/429,458, filed on March 18, 1996. Further, Applicants urge the Examiner to reconsider his priority objection.

Applicants therefore maintain that the present application claims priority from U.S. Application No. 09/429,458, now U.S. Patent No. 6,795,402, which in turn is a continuation of U.S.

Application No. 08/619,934, filed on March 18, 1996, and also claiming priority to U.S. Provisional Application No. 60/010,719, filed on January 29, 1996.

**Claim Rejections - 35 U.S.C. § 112**

The Examiner rejected claims 1, and 13-21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. The Examiner alleged that the recitation "the samples taken at least at one of a rate and a resolution greater than is required to minimally detect digital transitions" is vague and indefinite because it was unclear what values were required for the rate and required resolution. While Applicants respectfully disagree with the Examiner's assertion, claims 1 and 13 have nonetheless been amended to further prosecution.

Claims 1 and 13, as amended, now recite that "the samples are taken at a sampling frequency of at least approximately 500 megahertz," thereby traversing the Examiner's rejection. Further, the amendment is fully supported in the specification in several places. For example, the specification discloses that "for adequate analog resolution, the digitizer should have at least a 500 MHZ sampling frequency." (Specification, page 13, lines 6-7.) In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65807-0065 from which the undersigned is authorized to draw.

Dated: 9/28/07

Respectfully submitted,

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